

**Notice of Allowability****Application No.**

10/765,458

**Examiner**

Yelena G. Gakh, Ph.D.

**Applicant(s)**

PAPPIN ET AL.

**Art Unit**

1797

**- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to amendment filed on 03/03/10.
2. ☒ The allowed claim(s) is/are 42-45 and 104-108.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some\* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_.
- Identifying Indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO/SB/08),  
Paper No./Mail Date 08/09/04
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☒ Interview Summary (PTO-413),  
Paper No./Mail Date \_\_\_\_.
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_.

### DETAILED ACTION

1. Amendment filed on 03/03/10 is acknowledged. Claims 42-45 and 104-108 are pending in the application. Claims 42 and 106 are rejoined in the present Office action.

### EXAMINER'S AMENDMENT

2. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Leonard D. Bowersox on 05/10/10.

The application has been amended as follows:

Title: "Isobaric labels for mass spectrometric analysis of peptides and method thereof"

In **claims 43-45**: in the preamble after "method" insert -- for mass spectrometric analysis of isobarically labeled reactive peptides";

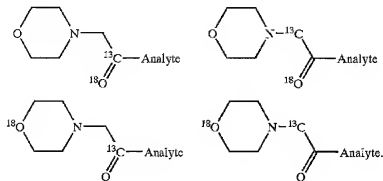
**Claim 42** (Currently Amended): A method for mass spectrometric analysis of isobarically labeled reactive peptides comprising:

a) ~~reacting~~ providing two or more samples, each sample comprising one or more reactive peptide analytes,

b) reacting a first sample of the two or more samples with a first labeling reagent of a set of isobaric labeling reagents,

c) reacting a second sample of the two or more samples with a second labeling reagent of the set of isobaric labeling reagents, the second labeling reagent differing isobarically from the first labeling reagent, wherein steps b) and c) ~~with a different labeling reagent of a set of labeling reagents to~~ thereby produce two or more differentially labeled samples each comprising one or more isobarically labeled peptide analytes,

d) mixing together the two or more differentially labeled samples to form a ~~wherein the~~ sample mixture ~~comprises one comprising two~~ or more isobarically labeled peptide analytes of the formula:



, and

e) performing mass spectrometry on the sample mixture to analyze file isobarically labeled peptide analytes.

#### *Allowable Subject Matter*

2. **Claims 42-45 and 104-108** are allowed. The new numbering of claims is 1 through 9.

The following is an examiner's statement of reasons for allowance: the examiner agrees with the Applicants' arguments that the prior art does not teach or fairly suggest the labels recited in claim 104 and the method recited in claim 42. Furthermore, more recent scientific literature refers to the work of the inventors as the pioneering work on introducing isobaric labels for mass spectrometric analysis of peptides, see e.g. Gingras et al. in "Analysis of protein complexes using mass spectrometry" (Nature Reviews | Molecular Cell Biology, 2007, page 652, right column).

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yelena G. Gakh, Ph.D. whose telephone number is (571) 272-1257. The examiner can normally be reached on 9:30 am - 6:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vickie Y. Kim can be reached on (571) 272-0579. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Yelena G. Gakh/  
Primary Examiner, Art Unit 1797

5/10/2010